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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re:

MT & JM, LLC,

Chapter 11

Case No:

Debtor.

-----X

DECLARATION OF MARK TRESS PURSUANT TO LOCAL RULE 1007-2

MARK TRESS, being duly sworn, deposes and says:

1. I am a the 100% managing member of MT & JM, LLC (the “Debtor”) a debtor in the above-captioned case.

2. I submit this affidavit pursuant to Rule 1007-2 of the Local Rules for the United States Bankruptcy Court for the Southern District of New York.

BACKGROUND

3. The Debtor is a single asset real estate located at 50 Commerce Street, Spring Valley, New York, 10977 and has owned the property since on or about 2002. The Debtor currently has 12 commercial vacancies.

4. The Debtor suffered cash flow shortages on or about 2008 due to a flooding which caused molding in all 12 commercial unites. The tenants slowly stopped making their rental payments. When the recession hit and in 2008, the building lost value to the tenants, due to the high rental payments and mold issues which were not fully addressed. All 12 tenants vacated

over a period of time, and found commercial rental space with lower rent rates and newer office space. The Debtor made its last mortgage payment 3 years ago.

5. Most recently, despite efforts by the Debtor to obtain financing, and renovate the building, the property was put up for foreclosure. In order to save its property, and to save money, the Debtor attempted to file a bankruptcy petition *pro se*, which case was dismissed by this Court on May 21, 2013. As a second foreclosure sale is scheduled for July 16, 2013, in a good faith effort to save its property, which the managing member has personally guaranteed, the Debtor has retained counsel and filed the instant petition.

6. The Debtor has filed this chapter 11 proceeding in order to obtain some breathing room from its creditors and an opportunity to reorganize its affairs based upon a restructuring of its obligations, the renovation and rental of the 12 commercial units. The Debtor is optimistic that by virtue of the filing of this Chapter 11 proceeding, it will have the best chance to repay its debts in a manner that allows it to maximize the value of its assets for the benefit of all creditors.

INFORMATION REQUIRED BY LOCAL BANKRUPTCY RULE 1007

7. In addition to the foregoing, Local Bankruptcy Rule 1007-2 requires certain information related to the Debtors, which is set forth below.

Local Rule 1007-2(a)(1)

8. The Debtor is a single asset real estate, located at 50 Commerce Street, Spring Valley, New York 10977.

Local Rule 1007-2(a)(2)

9. This case was not originally commenced under Chapter 7 or 13 of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the “Bankruptcy Code”).

Local Rule 1007-2(a)(3)

10. Upon information and belief, no committee was organized prior to the order for relief in this Chapter 11 case.

Local Rule 1007-2(a)(4)

11. A list of the names and addresses of the Debtors' respective 20 largest unsecured claims, excluding those who would not be entitled to vote at a creditors' meeting and creditors who are "insiders" as that term is defined in 11 U.S.C. Section 101(31) is annexed hereto as **Schedule "A"**.

Local Rule 1007-2(a)(5)

12. A list of the name(s) of the Debtor's secured creditor(s) is annexed hereto as **Schedule "B"**.

Local Rule 1007-2(a)(6)

13. A consolidated balance sheet is annexed hereto as **Schedule "C"**.

Local Rule 1007-2(a)(7)

14. There are no publicly held securities of the Debtor.

Local Rule 1007-2(a)(8)

15. None of the Debtors' property is in the possession of any custodian, public officer, mortgagee, pledge, assignee of rents, or secured creditor, or any agent for such entity.

Local Rule 1007-2(a)(9)

16. The Debtor operates its business from its premises located at 50 Commerce Street, Spring Valley, New York 10977

Local Rule 1007-2(a)(10)

17. The Debtor's assets are located at 50 Commerce Street, Spring Valley, New York 10977. The books and records of the Debtor are located at 50 Commerce Street, Spring Valley, New York 10977.

Local Rule 1007-2(a)(11)

18. The following actions are pending against the Debtor:

Oasis Equities, LLC, v. MT JM, LLC, et al. Index No. 11433/2008 foreclosure sale scheduled for July 16, 2013.

Local Rule 1007-2(a)(12)

19. The Debtor's management consists of Mark Tress, Managing Manager.

Local Rule 1007-2(b)(1) and (2))

20. The Debtor has no monthly payroll to employees for the thirty (30) day period following the Chapter 11 petition.

21. The Debtor estimates no monthly payroll and payments to officers, stockholders, and directors for the thirty (30) day period following the Chapter 11 petition.

Local Rule 1007-2(b)(3)

22. The estimated schedule of cash receipts and disbursements for the thirty (30) day period following the filing of the Chapter 11 petition, net cash gain or loss, obligations and receivables expected to accrue but remaining unpaid, other than professional fees is annexed as **Schedule "D"**.

INFORMATION RQUIRED BY BANKRUPTCY CODE § 1116(1)(A)


23. The Debtor's most recent balance sheet is annexed hereto as **Schedule "E"**.

24. The Debtor's most recent profit and loss statement is annexed hereto as **Schedule "F"**.

25. The Debtor's most recent tax return is annexed hereto as **Schedule "G"**.

CONCLUSION

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



MARK TRESS

EXHIBIT "A"

B4 (Official Form 4) (12/07)

**United States Bankruptcy Court
Southern District of New York**

In re MT & JM, LLC

Debtor(s)

Case No. 13-23166

Chapter 11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
45th Street Funding 140 East 45th Street New York, NY 10036	45th Street Funding 140 East 45th Street New York, NY 10036	monies loaned for capital expenditures.		375,000.00
Cash for Commerce 50 Commerce Street Spring Valley, NY 10977	Cash for Commerce 50 Commerce Street Spring Valley, NY 10977	tenants advanced funds for tenant improvements (refund)		183,000.00
Mark Tress 150 Airport Road Lakewood, NJ 08701	Mark Tress 150 Airport Road Lakewood, NJ 08701	monies loaned capital expenditures		400,000.00
NYS Dept of Tax & Finance Bankruptcy Section P.O. Box 5300 Albany, NY 12205-0300	NYS Dept of Tax & Finance Bankruptcy Section P.O. Box 5300 Albany, NY 12205-0300	taxes owed		2,811.83
Oasis Equities, LLC 614 Hempstead Gardens Drive Suite 100 West Hempstead, NY 11552	Oasis Equities, LLC 614 Hempstead Gardens Drive Suite 100 West Hempstead, NY 11552	50 Commerce Street, Spring Valley, NY 10977		2,030,677.24 (0.00 secured)

B4 (Official Form 4) (12/07) - Cont.

In re **MT & JM, LLC**

Debtor(s)

Case No. **13-23166**

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS
(Continuation Sheet)

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>

**DECLARATION UNDER PENALTY OF PERJURY
ON BEHALF OF A CORPORATION OR PARTNERSHIP**

I, the managing member of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date _____

Signature _____

Mark Tress
managing member

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.

EXHIBIT "B"

In re **MT & JM, LLC**

Case No. **13-23166**

Debtor

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
		H W J C					
Account No. Index No: 11433/2008							
Brian K. Condon, Esq. Condon & Associates PLLC 55 Old Turnpike Road, St 502 Nanuet, NY 10954	-	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN					
		mortgage on property					
		FOR NOTICE PURPOSES/ counsel for Oasis Equities, LLC					
		Value \$ 0.00				0.00	0.00
Account No. SU-2008-11433							
Denise T. O'Donnell Referee Condon & Assoc PLLC 55 Old Turnpike Rd st 502 Nanuet, NY 10954	-	FOR NOTICE PURPOSES ONLY re foreclosure sale of 50 Commerce Street, Spring Valley, NY 10977					
		Value \$ 0.00				0.00	0.00
Account No. Index No: 11433/2008							
Oasis Equities, LLC 614 Hempstead Gardens Drive Suite 100 West Hempstead, NY 11552	-	50 Commerce Street, Spring Valley, NY 10977					
		Value \$ 0.00				2,030,677.24	2,030,677.24
Account No.							
		Value \$					
Subtotal						2,030,677.24	2,030,677.24
(Total of this page)							
Total						2,030,677.24	2,030,677.24
(Report on Summary of Schedules)							

0 continuation sheets attached

EXHIBIT "C"

TO BE PROVIDED

EXHIBIT "D"

TO BE PROVIDED

EXHIBIT "E"

TO BE PROVIDED

EXHIBIT "F"

TO BE PROVIDED

EXHIBIT "G"

TO BE PROVIDED